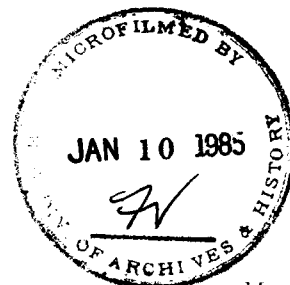


MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
TUESDAY, JULY 5, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the meeting to order. Councilmembers present were:

Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
R. D. Smith
Joseph Straley
Jim Wallace



Councilmember Boulton was absent, excused. Also present were: Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Grainger Barrett.

Mayor Nassif informed the Council that he would have to be absent from a portion of the meeting. He stated that Mayor Pro-tem Boulton was absent and requested if the Council would permit Councilmember Howes to preside over the meeting during his absence.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT COUNCILMEMBER HOWES BE ALLOWED TO PRESIDE DURING THE ABSENCE OF THE MAYOR DURING A PORTION OF THE COUNCIL MEETING, AND IN THE ABSENCE OF MAYOR PRO-TEM BOULTON.

THE MOTION CARRIED UNANIMOUSLY.

Petitions

There were no petitions.

Minutes (June 20, 1983)

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, TO ADOPT THE MINUTES OF JUNE 20, 1983, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Extend the Corporate Limits of the Town of Chapel Hill, under the Authority Granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (83-O-36)

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part (3), Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Council has taken into full consideration the statements presented at the public hearing held on the 16th day of May, 1983, on the question of this annexation; and

WHEREAS, the Council has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill:

Section 1. That from and after midnight of the 30th day of June, 1984, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said midnight of the 30th day of June, 1984, be extended to include said territory more particularly described by metes and bounds as follows:

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BEGINNING at a point on the corporate limits of the Town of Chapel Hill in the northeast corner of Orange County Tax Map 27, Block E, Lot 2, running generally south approximately 580 feet to the southeast corner of Lot 27-E-2, being listed on Orange County land records as the property of Clingendael Investment Corp.; thence west approximately 158 feet following the south boundary of Lot 27-E-2 to a point in the southeast corner of Map 27A, Block D, Lot 6; thence generally south following the extension of the east boundary of Lot 27A-D-6, being listed as the property of Kemp Bunion Tripp and Minnie Tripp, for approximately 405 feet to a point; thence west 93 feet to a point in the northeast corner of Map 27A, Block F, Lot 1; thence south along the east lot line approximately 300 feet to a point in the southeast corner of Lot 27A-F-1, being listed as the property of H. Charles Holloway, Jr., and Thelma M. Holloway; thence west along the south lot line of Lot 27A-F-1 199 feet to a point; thence generally south approximately 12 feet to a point one foot south of the Vance Street right-of-way and thence generally west approximately 21 feet to a point in the east lot line of Map 27A, Block H, Lot 3; thence generally south along the east lot line of Lot 27A-H-3, being listed as the property of Gregory F. Wolf, 380 feet to a point in the southeast corner of the lot; thence generally west 131 feet to a point in the southeast corner of the rear lot line of Lot 27A-H-1, being listed as the property of James A. and Juanita Sturdivant; thence generally northwest 951 feet to a point in the rear lot line of Lot 27A-I-4, being listed as the property of Eliska L. Chanlett; thence generally southwest 99 feet to a point; thence generally northwest 182 feet to a point where the annexation line meets the Chapel Hill corporate limits again.

Section 2. That the Council does hereby specifically find and declare that the above described territory meets the requirements of G.S. 160A-48, in that:

1. The area proposed for annexation is adjacent and contiguous to the Town's boundaries, as contiguous area is defined in G.S. 160A-55(1), as of the 28th day of March, 1983, the date upon which the annexation proceeding was begun, as is shown on the attached map marked Exhibit A.
2. The aggregate external boundary of the area proposed for annexation is approximately 6036 feet, of which 2542 feet (42%) coincide with the Town boundary, as shown on the attached map marked Exhibit A. Therefore, at least one-eighth of said external boundary coincides with the Town boundary.
3. No part of the area proposed for annexation is included within the boundary of another incorporated municipality (please see Exhibit A).
4. All of the area proposed for annexation is developed for urban purposes in that:
 - a. The area has a total resident population equal to at least two (2) persons for each acre of land included within its boundaries, demonstrated as follows:

The number of occupied dwelling units counted within the area (38), multiplied by the average household size in the annexation district according to the latest federal decennial census (2.33) gives the estimated total resident population (88.5) which, divided by the total number of acres within the area (39.8), gives a density of 2.22 persons per acre.

- b. The area has a total resident population equal to at least one person for each acre of land included within its boundaries, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage consists of lots and tracts five (5) acres or less in size and such that at least sixty percent (60%) of the total number of lots and tracts are one acre or less in size, demonstrated as follows:

The statutory standard for population is met since there are an estimated 88 people residing in the area, and the area contains 39.8 acres. The combined number of acres within those lots and tracts of five (5) acres or less in size (34.5 ac.) comprises eighty-seven percent (87%) of the total number of acres within the area (39.8 ac.); the number of lots and tracts one acre or less in size (54) comprises ninety percent (90%) of the total number of lots and tracts within the area (60) (see Exhibit A).

- c. The area is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional, or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental, or institutional purposes, consists of lots and tracts five (5) acres or less in size, demonstrated as follows:

The number of lots and tracts in the area that are used for residential, commercial, industrial, or governmental purposes (40) comprises sixty-seven percent (67%) of the total number of lots and tracts in the area (60) (please see Exhibit B).

One of the proposed statutory amendments would raise the standard above from 60% to 65%. The combined number of acres within lots and tracts five (5) acres or less in size that are not used at the time of annexation for commercial, industrial, governmental, or institutional purposes (34.2 ac.) comprises eighty-six percent (86%) of the total number of acres within the area (39.8) (please see Exhibit B).

5. The boundaries of the area proposed for annexation have been drawn so that, wherever practical, proposed town boundaries follow natural topographic features. Where a street is used as a boundary, land on both sides of the street is included, and such outside boundary extends no more than two hundred (200) feet beyond the right-of-way of the street (please see Exhibit A).

Section 3. That it is the purpose and intent of the Town of Chapel Hill to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Council on the 11th day of April, 1983, and listed below:

PLANS FOR EXTENDING SERVICES TO THE AREA

1. Public Water Supply. Public water supply is currently available in the area proposed for annexation. Such service is provided by the Orange Water and Sewer Authority. The Town does not own or maintain water storage, treatment, or distribution facilities.
2. Public Sewage Disposal. Public sanitary sewage disposal service is not currently available in the area proposed for annexation. However, the area is included in the service area of the Orange Water and Sewer Authority. The Town does not own or maintain sewage collection or treatment facilities. The Town has applied for a Community Development Block Grant to fund the construction of collector lines within the area. OWASA has agreed to supplement the grant, if approved, by financing and constructing the outfall to the area, at a cost of \$48,000. If the grant is not approved, OWASA will be asked to finance and construct the necessary lines. (Provision of collector lines would be required, in certain cases, by legislation now pending in the General Assembly.) In such a case, OWASA would assess benefitted property owners in order to recoup its costs. OWASA is authorized under its bond order to issue additional bonds for service extension projects, provided certain revenue coverage ratios are maintained.
3. Police Protection. Police protection is already being provided to adjacent areas and will be provided immediately upon annexation. No additional personnel or equipment will be necessary. Population increases or annexation of additional areas could require future increases in personnel or equipment.
4. Fire Protection. Fire protection is already being provided to adjacent areas from the #3 Fire Station on Elliott Road. No additional personnel or equipment will be needed to extend coverage to the area proposed for annexation. No fire hydrants exist within the area; it is estimated that four hydrants should be installed within the annexation area. At an approximate cost of \$1,500 per hydrant, total initial annexation costs to the Town for fire protection would be \$6,000; subsequent annual operating costs will be approximately \$504 based on a maintenance charge of \$10.50 per month paid to OWASA. Fire protection will be provided immediately upon annexation.

- 4
5. Solid Waste Disposal. Solid waste disposal service can be provided immediately upon annexation at an annual cost to the Town of \$3,500. This figure is based on a cost of \$7 per dwelling unit per month. Service would be semi-weekly for garbage collection and weekly for on-street trash collection. There would be no initial capital costs to the Town for this service and no need for additional personnel or equipment.
 6. Street Maintenance. The Town can begin street maintenance activities immediately upon annexation, except for those streets that are part of the State Highway System. Initial Town cost for graveling the .72 miles of dirt streets will be \$3,000; maintenance will be \$3,000 per year (\$1 per linear foot). The annual maintenance of the .14 miles of paved streets will cost \$740 per year.
 7. Street Lighting. The recommended service level for street lighting would add 9 street lights. The estimated annual contract cost for these lights is \$67 per light, or about \$600 per year. Installation and maintenance will be undertaken by Duke Power Company personnel immediately upon annexation.
 8. Street Signage/Marking. The Town Public Works Department will install 8 street-name signs, 5 stop signs, and 10 speed limit signs at a total initial cost of \$1,050. Annual sign maintenance costs are estimated at 10% of the installation costs, or \$105 per year.
 9. Storm Drainage. The Town immediately will begin maintenance of the existing storm drainage system in public rights-of-way in the annexation area. The initial cost to the Town will be \$1,000 to bring the system up to Town standards. Subsequent total annual costs will be \$500 for maintenance of the storm drainage system.
 10. Public Transit. Most of the area proposed for annexation is within 1/4 mile of the existing Town bus route along the frontage road adjacent to the Chapel Hill-Durham Boulevard. The remainder of the area is within 1/3 mile of the bus route. Therefore, the area proposed for annexation is within the Town's bus service area, and no extensions of or changes to existing bus routes are needed to provide public transportation to the area (which is now provided transit service at the same standard as is provided within the present corporate limits).
 11. Recreation. Town recreation facilities and services will be available on a resident basis immediately upon annexation to residents of the area without need for additional parks, personnel, or equipment.
 12. Other Municipal Services. All other municipal services (library, administrative, etc.) will be provided on a resident basis immediately upon annexation to residents and landowners in the area without need for additional personnel and equipment.

Section 4. That the Council does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, the Orange Water and Sewer Authority will have sufficient funds appropriated in the amount of \$48,000, to finance the estimated cost of construction of sewer facilities found necessary in the report of plans for services to extend the basic sewer system of the Orange Water and Sewer Authority into the area to be annexed under this ordinance.

Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill, and shall be entitled to the same privileges and benefits as other parts of the Town.

Section 6. That the newly annexed territory described hereinabove shall be subject to Town taxes according to G.S. 160A-49(f), as amended.

Section 7. That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the Register of Deeds of Orange County, and in the office of the Secretary of State at Raleigh.

Section 8. That notice of the adoption of this ordinance shall be published once in a newspaper having general circulation in the Town of Chapel Hill.

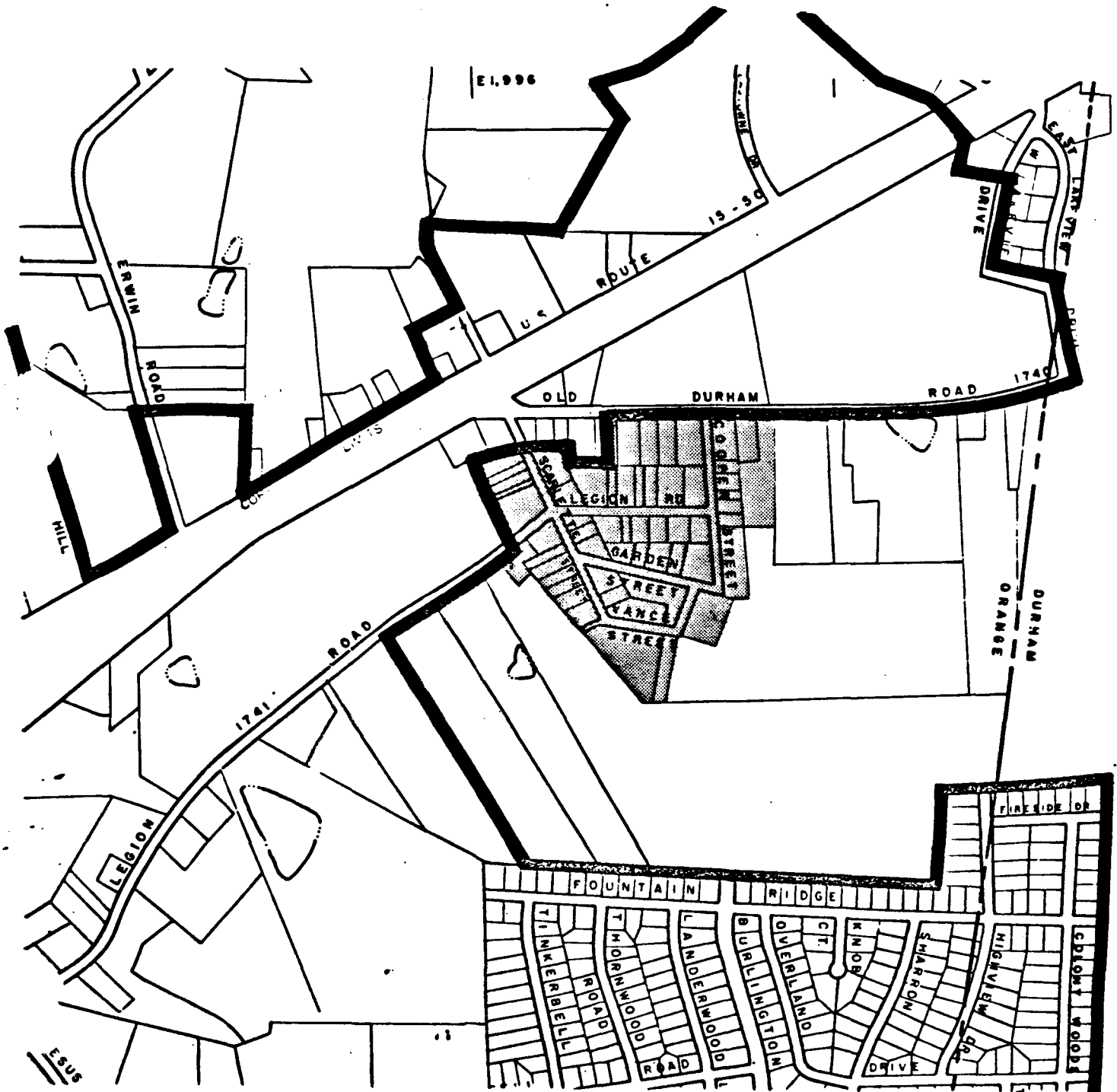
This the 5th day of July, 1983.

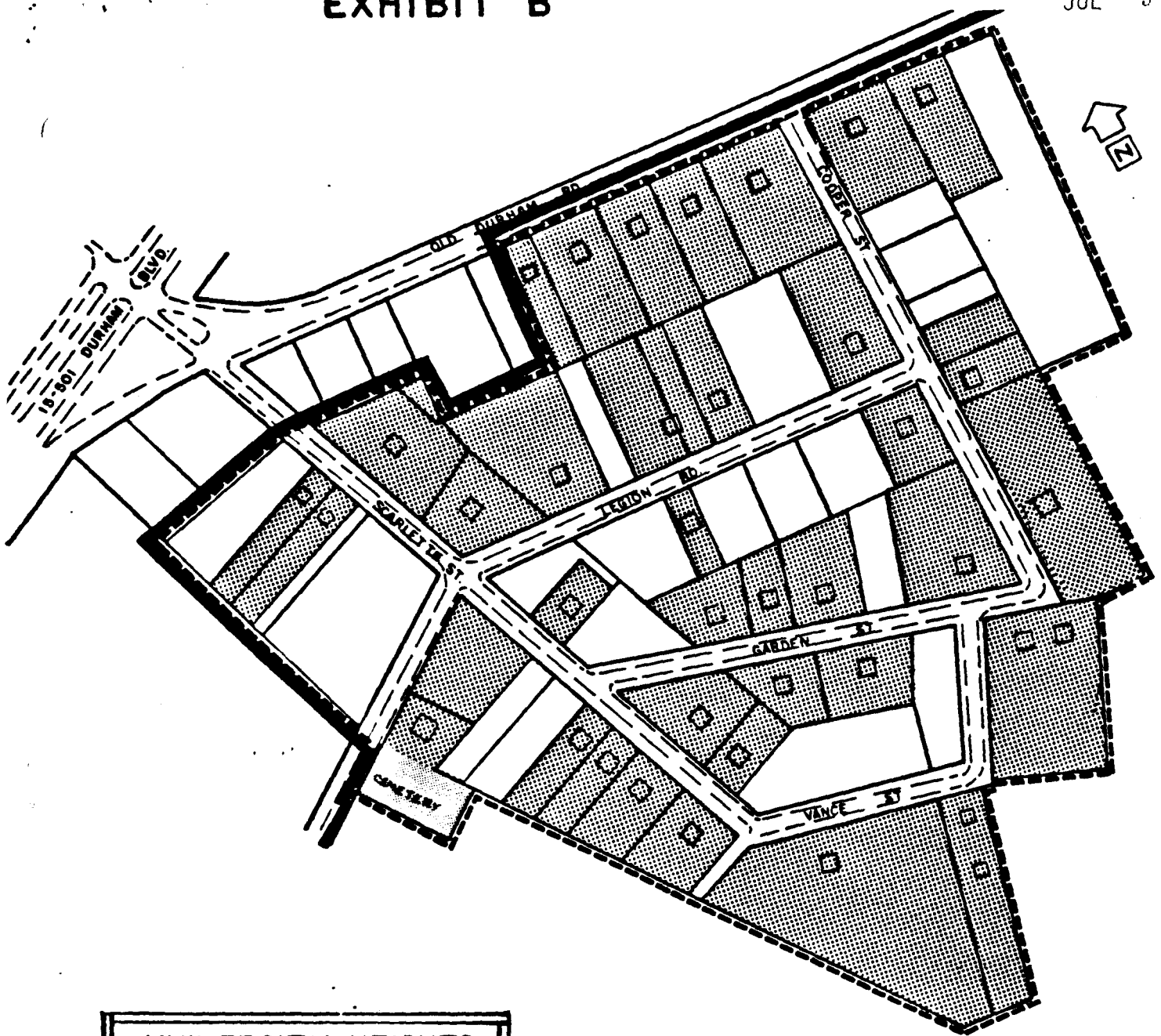
EXHIBIT A

LOCATION MAP

UNIVERSITY HEIGHTS
ANNEXATION STUDY

— PRESENT CHAPEL HILL TOWN
BOUNDARY
■ ANNEXATION STUDY AREA





UNIVERSITY HEIGHTS ANNEXATION STUDY

- PRESENT CHAPEL HILL TOWN BOUNDARY
- ANNEXATION STUDY AREA
- DWELLING UNITS
- LOTS DEVELOPED FOR URBAN PURPOSES

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Planned Development-Housing Special Use Permit to
Cameron Associates

Councilmember Kawalec suggested that the police could enforce more adequately, and the Manager and the Council could support the Town's current noise ordinance and thereby reduce concerns for noise problems in this area that were discussed at the public hearing.

Mayor Nassif commended the architect and developer for the sensitive design of the proposed development, stating that he felt that it would be an asset and a renewal for this area. Councilmember Broadfoot concurred with Mayor Nassif.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO CAMERON ASSOCIATES (83-R-104)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing proposed by Cameron Associates for Tax Map 86, Block F, Lots 1, 5 and 6, if developed in accordance with the plans submitted May 31, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
4. Will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
3. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
4. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit.
5. That a plat dedicating all easements and street rights-of-way including any off-site easements or rights-of-way necessary to serve the development be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit.
6. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That the property owner bear the cost of any assessments required by OWASA for maintenance of fire hydrants on his property until such time as this responsibility is assumed by a homeowners association or a public entity or until such time as OWASA policy may change.
8. That plans showing the location and detailed design of dumpster pads and screening be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

9. That plans for alternative buffers along the common boundaries with adjacent properties be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
10. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That should a drainage easement or pipe exist along the eastern property line, that building #4 be moved outside the easement or at least ten feet from the pipe, respectively. Other modifications made in response to this change shall not require a modification of the Special Use Permit.
12. That the landscape island at the entrance of the development be set back 42 feet from the edge of the pavement of Cameron Avenue.
13. That construction begin by July 5, 1985, and be completed by July 5, 1988.

BE IT FURTHER RESOLVED that the Council hereby grants a Planned Development-Housing Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 5th day of July, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Ordinance Amending the Chapel Hill Development Ordinance (Coventry Zoning Map Amendment Request)

Mr. Taylor stated that there were no changes in his recommendation since the June 20, 1983, public hearing.

Councilmember Smith was concerned for the "wide jump" from the current R-1 zoning to the R-5 zoning request.

Mr. Jennings informed the Council that the area was now within the planning jurisdiction of Chapel Hill but originally had received a Special Use Permit from the county.

Mr. Jennings explained that the applicant desired to build larger units than allowed under the current zone. Mr. Higgs, the applicant, explained that the original number of units was 55, but he would now like to build 44 larger units instead. Mr. Jennings added that a request for an R-4 zone would take approximately 3-4 months for final approval. Councilmember Wallace stated that he was dubious of R-5 zoning, considering the surrounding zoning designations and development. (Mayor Nassif left the meeting at 7:47 P.M.)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF ORDINANCE 83-O-37 (to reclassify the area from R-3 to R-5).

THE MOTION FAILED TO PASS 4 TO 3 WITH COUNCILMEMBERS SMITH, PASQUINI, HOWES, AND KAWALEC SUPPORTING, AND COUNCILMEMBERS WALLACE, BROADFOOT, AND STRALEY OPPOSING (Mayor Nassif was absent, excused, during this portion of the meeting). Since 5 affirmative votes were required to pass the ordinance, the request would be reconsidered at the next regular meeting.

Councilmember Pasquini stated that he was not satisfied with the request to rezone the area to R-5, even though he had voted for the motion. He questioned what would be done if the request to rezone to R-5 failed. Mr. Taylor responded that the area would remain at an R-3 zoning designation until officially changed.

Councilmember Kawalec stated that she did not agree with the request to rezone the property to R-5.

Resolution Granting a Public Service Facility Special Use Permit to Orange Water and Sewer Authority

Mr. Taylor stated that the Community Appearance Commission had requested permission to assist with the selection of the color of the water storage tank.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A PUBLIC SERVICE FACILITY SPECIAL USE PERMIT TO ORANGE WATER AND SEWER AUTHORITY (83-R-105)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the .5 million gallon Elevated Water Storage Tank proposed by OWASA for Tax Map 24, Lot 30 if developed in accordance with the plans submitted May 3, 1983, and the stipulations set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, and that the use or development is a public necessity; and
4. Will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulation:

1. That the existing wooded area on the site be substantially retained and be replaced as feasible following construction except as necessary for utility operations.

BE IT FURTHER RESOLVED that the Council hereby grants a Public Service Facility Special Use Permit in accordance with the plans as submitted and approved.

This the 5th day of July, 1983.

THE MOTION CARRIED UNANIMOUSLY (7 to 0; Mayor Nassif was absent, excused, during this portion of the meeting).

Resolution Granting a Planned Development-Housing Special Use Permit to Sky Loch Homes, Inc., for the Highlands

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 83-R-106a.

Councilmember Smith expressed concern for the need for sidewalks on Erwin Road for pedestrians walking to nearby bus routes.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PASQUINI, THAT AN ADDITIONAL STIPULATION BE ADDED TO THE MAIN MOTION: "That additional landscaping be provided between the development and Erwin Road."

VOTE ON THE AMENDMENT FAILED 2 TO 5 WITH COUNCILMEMBERS SMITH AND KAWALEC SUPPORTING, AND COUNCILMEMBERS BROADFOOT, HOWES, PASQUINI, STRALEY, AND WALLACE OPPOSING (Mayor Nassif was absent, excused, during this portion of the meeting).

Mr. Jennings informed Councilmember Broadfoot that the dam on the property would be inspected at approximately 4-year intervals.

VOTE ON THE MAIN MOTION (to adopt the following resolution) CARRIED 5 TO 2 WITH COUNCILMEMBERS BROADFOOT, HOWES, KAWALEC, PASQUINI, AND STRALEY SUPPORTING, AND COUNCILMEMBERS SMITH, AND WALLACE OPPOSING (Mayor Nassif was absent, excused, during this portion of the meeting):

12
A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO SKY LOCH HOMES, INC., FOR THE HIGHLANDS (83-R-106a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing proposed by Sky Loch Homes, Inc., for Tax Map 28, Block G, Lot 27 if developed in accordance with the plans submitted June 2, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That a Chapel Hill gravel sidewalk to Town standards be provided along the property's frontage with Erwin Road.
2. That plans for the street improvements be approved by the Town Manager and NCDOT, where applicable, prior to issuance of a Zoning Compliance Permit.
3. That a shading plan for the parking areas be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That dumpster locations and detailed design of dumpster pads be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
6. That a detailed storm drainage plan with hydrologic calculations and data about drainage into and from the existing pond be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That water and sewer plans be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
8. That the off-site sewer line be constructed so as to maintain effective screening of the Duke Power substation, in accord with the requirements of its Special Use Permit. Plans shall be approved by the Town Manager and Community Appearance Commission prior to issuance of a Zoning Compliance Permit.
9. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit.
10. That a plat dedicating all easements and streets rights-of-way including any off-site easements or rights-of-way necessary to serve the development be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit.
11. That detailed plans for the fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. That the property owner bear the cost of any assessments required by OWASA for maintenance of fire hydrants until such time as this responsibility is assumed by a homeowners association or a public entity or until such time as OWASA policy may change.
13. That the detailed plans as required above may be submitted by phase.

14. That the public improvements for each phase be completed before a Building Permit is issued for the next phase.
15. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
16. That half of a 70-foot wide right-of-way be dedicated along the property's frontage with Erwin Road.
17. That the picnic area with shade trees be completed before issuance of any Certificate of Occupancy for Phase III.
18. That Erwin Road be widened to one-half of a 41-foot wide cross-section with curb and gutter along the applicant's property's frontage before issuance of any Certificate of Occupancy for Phase II.
19. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before the issuance of a Zoning Compliance permit.
20. That construction begin by June 30, 1985, and be completed by June 30, 1988.

BE IT FURTHER RESOLVED that the Council hereby grants a Planned Development-Housing Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 5th day of July, 1983.

Ordinance to Extend the Corporate Limits of the Town of Chapel Hill, North Carolina (Annexation of the Maddry Property)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (83-O-38)

WHEREAS, the Council has been petitioned under G.S. 160A-31, as amended, to annex the area described below; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held by the Council on the 20th day of June, 1983, after due notice by publication on the 5th and 12th days of June, 1983; and

WHEREAS, the Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made part of the Town of Chapel Hill as of the 12th day of July, 1983.

TRACT 1

BEGINNING at the northern right-of-way of Butternut Drive adjacent to the Dedicated Open Space for Timberlyne Subdivision, Phase II, Section 2, running in a westerly direction along the southern property line of the Maddry Property (Tax Map description 24-25B) approximately 860 feet to a point, running thence in a northerly direction approximately 650 feet to a point on the southern boundary line of Timberlyne Village Subdivision, Phase II, running thence with the southern boundary line of Timberlyne Village Subdivision, Phase II in an easterly direction approximately 1150 feet to a point, running thence in a southerly direction 50 feet west and parallel to the common Maddry/Timberlyne Subdivision, Phase II, Section 2 boundary line approximately 850 feet to a point, running thence in a westerly direction 50

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feet north and parallel to the northern right-of-way of Butternut Drive approximately 460 feet to a point, running thence in a southerly direction 50 feet to the northern right-of-way of Butternut Drive and the POINT OF BEGINNING, encompassing approximately 22 acres.

TRACT 2

BEGINNING at the northern right-of-way of Butternut Drive adjacent to the Dedicated Open Space for Timberlyne Village Subdivision, Phase II, Section 2, running in a northerly direction 50 feet to a point, running thence in an easterly direction 50 feet north and parallel to the northern right-of-way of Butternut Drive approximately 460 feet to a point, running thence in a northerly direction approximately 850 feet to a point on the southern boundary of Timberlyne Village Subdivision, Phase II, running thence in an easterly direction 50 feet to a point that is the northeast corner of the Maddry Property, running thence along the eastern boundary line of the Maddry Property approximately 900 feet to a point that is the southeast corner of the Maddry Property and is on the northern right-of-way of Butternut Drive, running thence in a westerly direction along the northern right-of-way of Butternut Drive approximately 510 feet to the POINT OF BEGINNING, encompassing approximately 1.7 acres.

Section 2. Upon and after the 12th day of July, 1983, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. Said territory shall be subject to municipal taxes according to G.S. 160A-31(e), as amended.

Section 3. The Manager of the Town of Chapel Hill shall cause to be recorded in the office of the Register of Deeds of Orange County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Chapel Hill.

This the 5th day of July, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Discussion of Zoning of the Maddry Property

Mr. Jennings explained to Councilmember Pasquini that the staff recommended R-5 zoning on major arterials and felt that this zoning was appropriate in accordance with the Land Use Plan. Councilmember Pasquini felt that R-3 zoning was more reasonable.

Councilmember Smith stated that, assuming that adjacent properties would eventually be developed, additional buffers should be required. Mr. Jennings explained that the staff viewed the 50-foot open space as an indication of intent to provide a buffer. A buffer had not been required.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF ORDINANCE 83-O-39 (to zone the property to R-4).

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO AMEND THE MOTION BY CHANGING THE PROPOSED R-4 ZONING TO R-3.

VOTE ON THE AMENDMENT FAILED TO PASS 4 TO 3 WITH COUNCILMEMBERS WALLACE, PASQUINI, BROADFOOT, AND STRALEY SUPPORTING, AND COUNCILMEMBERS SMITH, HOWES, AND KAWALEC OPPOSING (Mayor Nassif was absent, excused, during this portion of the meeting).

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER SMITH, TO TABLE THE MATTER UNTIL JULY 11, 1983.

VOTE ON THE MOTION TO TABLE CARRIED 5 TO 2 WITH COUNCILMEMBERS SMITH, STRALEY, BROADFOOT, PASQUINI, AND WALLACE SUPPORTING, AND COUNCILMEMBERS HOWES, AND KAWALEC OPPOSING (Mayor Nassif was absent, excused, during this portion of the meeting).

(Mayor Nassif returned to the meeting at 8:27 P.M.; Councilmember Howes continued to preside.)

Resolution Granting a Drive-in Window Special Use Permit to Timberlyne Village Shopping Center

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A DRIVE-IN WINDOW SPECIAL USE PERMIT TO TIMBERLYNE VILLAGE SHOPPING CENTER (83-R-107)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the drive-in window proposed by Timberlyne Village Shopping Center for Tax Map 24, part of Lot 28, if developed in accordance with the plans submitted May 6, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6 and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
4. Will conform with the general plans for the physical development of the town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulation:

1. That the driveway serving the window be clearly marked as a one-way drive and that plans for such markings be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

BE IT FURTHER RESOLVED that the Council hereby grants a Drive-In Window Special Use Permit in accordance with the plans as submitted and approved and the stipulation above.

This the 5th day of July, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing the Housing Authority to Dispose of Community Development Property (706 Church Street)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

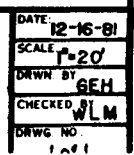
A RESOLUTION AUTHORIZING THE HOUSING AUTHORITY TO DISPOSE OF COMMUNITY DEVELOPMENT PROPERTY (83-R-108)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby authorizes the Chapel Hill Housing Authority to sell the structure presently located at 706 Church Street, and that certain tract of land labeled Number 3 on that certain plat dated December 16, 1981, certified by the Town Engineer on March 31, 1982, and attached hereto for reference, by sealed bids, in accordance with G.S. 160A-457 and G.S. 160A-268.

BE IT FURTHER RESOLVED that the Council sets a minimum offer or bid price of \$7,750 for the above-described tract of land and requires that the buyer assume all costs of moving the structure at 706 Church Street and rehabilitating it to Town Housing Code standards, such terms of sale to be included in the Resolution of Sale and Notice of Sale.

This the 5th day of July, 1983.

CALDWELL STREET EXTENSION



Councilmember Smith felt that the lot was too narrow for the size of the house. Councilmember Broadfoot felt that the house should be sold for homeownership to low to moderate income persons. Councilmember Smith felt that the home should not be moved but should be used to house elderly persons. He felt that moving the home would be too costly. Councilmember Howes stated that the owner would pay for the expense of moving and rehabilitation of the house. Rehabilitation would have to meet Housing Code requirements.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BROADFOOT, HOWES, KAWALEC, PASQUINI, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Resolution Regarding Adjustment of County Tax Appraisals in Computing Payments in Lieu of Reserving Open Space

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF RESOLUTION 83-R-109.

Mayor Nassif opposed the motion. He stated that he felt that citizens already paid taxes for recreation and park improvements and programs, so to require payment in lieu of open space meant that one would pay twice for the same thing. It would be better to require land to be set aside for open space to be used by the owner, not the Town.

Mr. Taylor informed Councilmember Broadfoot that the Council would determine what the money would be used for; otherwise, it would remain in the Reserve Fund.

VOTE TO ADOPT THE FOLLOWING RESOLUTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BROADFOOT, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, AND WALLACE SUPPORTING, AND MAYOR NASSIF OPPOSING:

A RESOLUTION REGARDING ADJUSTMENT OF COUNTY TAX APPRAISALS IN COMPUTING PAYMENTS IN LIEU OF RESERVING OPEN SPACE (83-R-109)

BE IT RESOLVED by the Council of the Town of Chapel Hill that, in applying Section 7.9.5 of the Development Ordinance, the Council hereby determines that the most recent tax appraisals of raw land value per acre in the area in a given subdivision shall be adjusted by dividing said appraisal by the most recent annual County-wide ratio of tax appraisals to actual land sale prices under the method described in the Town Manager's report dated July 5, 1983; said County-wide sales ratio, to be used until a further annual revision is determined by Council, shall be 93%.

This the 5th day of July, 1983.

Motion to Reconsider Rezoning of Coventry Property

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO RECONSIDER AGENDA ITEM #5 (re rezoning Coventry property).

Mr. Barrett advised that the motion was in order.

Councilmember Kawalec stated that the Council had some responsibility and duty to act on an issue, especially when concerned and interested citizens were present.

VOTE ON THE MOTION TO RECONSIDER FAILED TO PASS WITH A VOTE OF 4 TO 4 WITH COUNCILMEMBERS STRALEY, HOWES, KAWALEC, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS SMITH, BROADFOOT, PASQUINI, AND WALLACE OPPOSING. The request to rezone the Coventry property would be reconsidered at the July 11, 1983, meeting.

As there was no further business to come before the Council, the meeting was adjourned at 8:57 P.M.


Joseph L. Nassif, Mayor


David B. Roberts, Clerk